

Whereas, He is serving the State of Texas in his beneficial work as a messenger of God and will remain forever in the minds and hearts of those who know him. His counsel and leadership is eagerly sought and followed by citizens in all walks of life; now, therefore, be it

Resolved, That Reverend G. P. Comer be extended the privilege of the floor of the Senate of Texas.

By unanimous consent, the resolution was considered and adopted at this time.

#### House Concurrent Resolution 190

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 190, Authorizing certain corrections in enrolled copy of H. B. No. 360.

By unanimous consent, the resolution was considered and adopted at this time.

#### Senate Bill 494 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 494 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill                      Spears

The President laid S. B. No. 494 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 494 on Third Reading

The President then laid S. B. No. 494 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill                      Spears

#### Adjournment

On motion of Senator Winfield, the Senate, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### SEVENTY-FIRST DAY

(Wednesday, June 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday were dispensed with and the Journal was approved.

#### House Bill 965 on Second Reading

The President laid before the Senate, as a special order the hour for the consideration of which had arrived, on its second reading and passage to third reading:

H. B. No. 965, A bill to be entitled "An Act making it unlawful for any person, not a member of the Texas Defense Guard, to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as part of the uniform of said Defense Guard, or any imitation of said articles; also making it unlawful for any member of said Defense Guard to purchase or have in his possession such articles of uniform, or any imitation thereof, unless they are purchased through or on approval of the Adjutant General of Texas; also making it unlawful for any person to sell, offer for sale, dispose of, or purchase any such articles except when and as authorized under regulations prescribed by the Governor; also providing the punishment for offenses against such provisions; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 965, page 2, Section 4, by adding after the word "shall" in line 2 of said Section, the following: "be guilty of a misdemeanor and shall". Amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 965 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 965 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1040, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts in which the State of Texas or its agencies own ten per cent or more in area of the land within the limits or boundaries of said independent school district, authorizing said district to levy a tax for school purposes not to exceed One Dollar and Fifty Cents (\$1.50) on each One

Hundred (\$100.00) Dollar valuation of property; limiting the amount of said tax rate which may be levied for bond purchases to a rate not to exceed fifty (\$0.50) cents upon each One Hundred (\$100.00) Dollar valuation of property; and providing that no tax rate shall be levied in such district except on a vote of the majority of the tax paying qualified voters; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 119. The following are conferees on the part of the House: Stanford, McGlasson, Coker, Lock and Crosthwait.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Bills Signed

The President signed in the presence of the Senate, after their caption had been read, the following enrolled bills:

H. B. No. 32, A bill to be entitled "An Act making it unlawful and a felony for any person to steal any mercury used in a gas meter or measuring device or regulating device, providing for a penalty for violation of the terms of this Act, providing that it shall be prima facie evidence that mercury has been stolen to have such mercury in one's possession or to transport the same without a bill of sale or, not having a bill of sale, to be otherwise unable to establish title thereto; defining the term 'steal' and providing that such word need not be defined in any indictment for prosecution under the terms of this Act, and providing that the Act shall be cumulative of all laws of the State, and authorizing the prosecution thereunder whether or not the Acts complained of constitute the essential elements of other or different offenses against the penal laws, providing a saving clause and declaring an emergency."

H. B. No. 361, A bill to be entitled "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; authorizing a donation and grant to Lavaca County Flood Control District of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, spe-

cifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters, relating to said donation; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act amending Section 2 of Chapter 5, Acts, Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts, Second Called Session of the Forty-fourth Legislature; and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act amending Article 4477 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Section 3 of S. B. No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by S. B. No. 20, Chapter 4, page 7, Acts of the Forty-first Legislature, First Called Session, relative to the registration of births and deaths; further amending Article 4477 of the Revised Civil Statutes of Texas of 1925, as amended by Section 20 of S. B. No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by S. B. No. 20, Chapter 4, page 7, Acts of the Forty-first Legislature, First Called Session, relative to fees for registration of births and deaths; and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns eligible under the terms of this Act to fund certain indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or town cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other

laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

#### Conference Committee on Senate Bill 22

Senator Spears called S. B. No. 22 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Spears moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moore, Graves, Spears, Fain and Weinert.

#### Reports of Standing Committees

Senator Hill, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
June 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 302, A bill to be entitled "An Act to amend Article 1703, Title 36, of the Revised Civil Statutes of the State of Texas of 1925, providing for a bond for the county treasurer, the payment of premium therefor; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be printed.

HILL, Chairman.

Senator Lanning, by unanimous consent, submitted the following report:

Committee Room,  
Austin, Texas,  
May 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 692, A bill to be entitled "An Act amending Chapter 1 of Title

50, of the Revised Civil Statutes of the State of Texas, 1925, by adding Article 2929a; providing that no person who has been elected or appointed to an executive or administrative public office in the State of Texas for a term of more than two (2) years shall be eligible to run for nomination or election to any other public office the term of which would begin before the expiration of the term of the original office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the Legislative and Judicial offices of Members of the Legislature and Judges of the Courts of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Weinert, by unanimous consent, submitted at this time, the following report:

Austin, Texas,  
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 624, A bill to be entitled "An Act amending Section 18, of S. B. No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by Section 2 of H. B. No. 614, Chapter 2, page 346, General Laws of the Forty-sixth Legislature, to provide for uniform fees to be charged for the issuance of delayed birth and death certificates by the Probate Court, the Clerk thereof and the State Registrar; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

### House Bill 796 on Passage to Third Reading

The President laid before the Senate as a special order the hour for the consideration of which had arrived, on its passage to third reading (the bill having heretofore been read second time):

H. B. No. 796, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by amending portions of, repealing portions of and adding new Sections to Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by H. B. No. 5, etc.; providing for regulation of marketing practices; establishing penalties; providing savings clauses; and declaring an emergency."

With the following amendment by Senator Moffett pending:

Amend H. B. No. 796 by striking out all of that portion of said bill designated as "Section VII-A," appearing on page 31. of the mimeographed bill.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 796 by adding the sentence, "the provisions of this Section shall take effect and be in force at midnight, August 31, 1941" at the end of each of the following enumerated Sections of the mimeographed bill: at the end of Section III on page 18, Section VI on page 21, Section VI-A on page 27, Section VII on page 31 and Section XVI on page 46.

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 796 by striking out all of "Section 29" appearing on pages 7, 8 and 9 of printed bill and also by striking out the figures "29" on the 1st line of Section 2, page 3 of the printed bill.

Pending consideration of the amendment, Senator Aikin occupied the Chair temporarily.

(President in the Chair.)

The amendment was adopted.

### Record of Vote

Senators Chadick, Hill, Fain, Metcalfe and Lovelady asked to be recorded as voting "nay" on the amendment.

Senator Moffett offered the following (committee) amendments to the bill:

(1)

Amend Section II of H. B. No. 796 by striking out the period appearing after the numeral "4" where it appears as "Sec. 4. (a)" so that the same shall read as follows: "Sec. 4 (a)."

(2)

Amend Section XVI of H. B. No. 796 by striking out the words as appearing in the amending clause "that Section 24, Article 2, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature" and by substituting in lieu thereof the following:

"That Section 24 of H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, as amending Article 2, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature."

(3)

Amend H. B. No. 796 by striking out the first five lines of Section XV and by inserting in lieu thereof the following:

"That Section 23 of H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, as amending Article 2, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, be further amended by the addition of a new subsection (n) to hereafter read as follows:"

The (committee) amendments were adopted severally.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 796, Section VI-A, paragraph 4, by adding a new subsection to be identified and lettered "j" on page 24 to read as follows:

"(j) It shall be unlawful for any person, firm, or corporation to employ any woman or women in any capacity, with or without compensation, in a liquor package store. Provided the provision of this Section shall not apply to female relatives of the licensee when related within the second degree by affinity or consanguinity

and such relatives are not less than eighteen years of age."

Question—Shall the amendment be adopted?

#### Motion to Take up House Bill 199

Senator Moore moved that the regular order of business be suspended, to permit consideration of H. B. No. 199 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—17

Aikin	Kelley
Beck	Lanning
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moore
Hazlewood	Spears
Hill	Van Zandt
Isbell	

#### Nays—14

Brownlee	Smith
Chadick	Stone
Lemens	Sulak
Lovelady	Vick
Moffett	Weinert
Ramsey	Winfield
Shivers	York

#### Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 22, and appoints the following: Stinson, Hanna, Hoyo, Dwyer and Ridgeway.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk House of Representatives.

#### Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
June 4, 1941.

To the Members of the Forty-seventh Legislature:

The War Department at Washington has sent a bill down here which they want passed which will enable them to carry on the national defense program. The bill has been introduced and is H. B. No. 1073.

I had a long distance telephone call from the War Department at Washington a few minutes ago stating that they have been advised that certain individuals in this State are opposed to the enactment of this bill, and are using their influence to keep the bill from being passed as originally written.

I think in times of national emergency the State of Texas should co-operate with the War Department in every respect and I heartily recommend that H. B. No. 1073 be passed in its original form as written by the War Department at Washington, and should be passed immediately without any amendments or changes except such amendments as may meet with the approval of the War Department, and I am submitting it as emergency legislation, and urging its immediate enactment.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

#### House Bill 942 on Second Reading

Senator Shivers moved that the regular order of business be suspended to permit consideration of H. B. No. 942 at this time.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Metcalf
Beck	Moffett
Chadick	Ramsey
Fain	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York

## Nays—7

Brownlee	Martin
Cotten	Moore
Formby	Van Zandt
Lanning	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission shall limit production of crude petroleum oil in this State to the reasonable market demand therefor, providing that the allowable production of oil shall be allocated among the pools in the State by the Railroad Commission; providing that the Railroad Commission shall ascertain the reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in determining reasonable market demand; providing that certain factors shall be considered by the Railroad Commission in allocating and apportioning the allowable production of oil among the pools in this State; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Section 1 of H. B. No. 942 by striking out the words "in excess of" and inserting in lieu thereof the words: "either in excess of or less than" in the third to the last line of page 1 of the mimeographed bill:

Senator Weinert moved the previous question on the amendment and the passage of the bill to third reading, and the motion was duly seconded.

The main question was ordered by the following vote:

## Yeas—16

Fain	Ramsey
Hazlewood	Shivers
Hill	Smith
Kelley	Spears
Lemens	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York

## Nays—14

Aikin	Isbell
Beck	Lanning
Brownlee	Lovelady
Chadick	Martin
Cotten	Moore
Formby	Stone
Graves	Van Zandt

## Absent

Sulak

Question first recurring on the amendment by Senator Moore, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—12

Aikin	Isbell
Brownlee	Lanning
Chadick	Martin
Cotten	Moore
Formby	Sulak
Hill	Van Zandt

## Nays—19

Beck	Ramsey
Fain	Shivers
Graves	Smith
Hazlewood	Spears
Kelley	Stone
Lemens	Vick
Lovelady	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Question next recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

## Yeas—23

Aikin	Moffett
Beck	Ramsey
Chadick	Shivers
Fain	Smith
Graves	Spears
Hazlewood	Stone
Hill	Van Zandt
Kelley	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York
Metcalf	

## Nays—8

Brownlee	Lanning
Cotten	Martin
Formby	Moore
Isbell	Sulak

### Motion to Place House Bill 942 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 942 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—21

Beck	Moffett
Chadick	Ramsey
Fain	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Kelley	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York
Metcalf	

#### Nays—10

Aikin	Lanning
Brownlee	Martin
Cotten	Moore
Formby	Sulak
Isbell	Van Zandt

### Report of Conference Committee on Senate Bill 22

Senator Spears submitted the following report of the Conference Committee on S. B. No. 22:

Conference Committee Room,  
Austin, Texas,  
June 3, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 22, have met and beg leave to recommend that said S. B. No. 22 be passed in the form hereto attached.

Respectfully submitted,

HANNA,  
DWYER,  
HOYO,  
STINSON,  
RIDGEWAY,  
MOORE,  
WEINERT,  
GRAVES,  
FAIN,  
SPEARS,

On the part of the House;

On the part of the Senate.

By Senator Spears:

S. B. No. 22, A bill to be entitled "An Act providing for the compensation of grand jury bailiffs in counties having a population of not less than two hundred fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. The judges of the criminal district courts in any county having a population of not less than two hundred fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census shall appoint grand jury bailiffs, not exceeding seven (7), whose compensation shall be Twenty-five Hundred Twenty (\$2,520.00) Dollars per annum, each; such compensation to be paid out of the general fund or jury fund in twelve (12) equal monthly installments.

Bailiffs thus appointed are subject to removal without cause at the will of the judge (or judges if there be more than one) of any such criminal district court.

Sec. 2. All laws or parts of laws in conflict with this Act are repealed hereby to the extent of such conflict only.

Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be, and the same is, hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

#### Yeas—31

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz
Hazlewood	Metcalf



Moffett	Sulak
Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Spears	York
Stone	

## Senate Resolution 156

Senator Lemens, by unanimous consent, offered the following resolution at this time:

Whereas, The Honorable Lisle Steele, of Mexia, Texas, a distinguished son of our State, and a great grandson of Hon. Alphonzo Steele, last survivor of the Battle of San Jacinto, is in the Halls of the Capitol; and

Whereas, Mr. Steele is an outstanding civic and political leader and, as such, has served not only his home town of Mexia well, but has rendered a well-rounded service to the people of this State; and

Whereas, He has served as a member of the Board of Directors of the Texas Technological College, and his work in this capacity has proven him to be an outstanding and progressive leader in the field of education in this State; and

Whereas, He has given of his own means that hundreds of boys and girls of Texas might be the recipients of advantages which would not otherwise have been available to them; and

Whereas, He has been progressive in his outlook, vigilant and responsive to the appeal of all worthy causes, giving freely of his time and means; and

Whereas, It is the desire of the Senate of Texas, officially and publicly to express its appreciation of the Honorable Lisle Steele as a faithful, loyal, and patriotic servant of Texas; now, therefore, be it

Resolved by the Senate of Texas, That we do hereby thank the Honorable Lisle Steele for his faithful, loyal, and outstanding service to Texas.

LEMENS,  
FAIN,  
VICK,  
SHIVERS,  
YORK,  
KELLEY,  
SPEARS,  
MOFFETT,

ISBELL,  
MOORE,  
MAURITZ,  
WINFIELD,  
STONE,  
COTTEN,  
CHADICK,  
RAMSEY,  
WEINERT,  
BECK,  
LOVELADY,  
SMITH,  
BROWNLEE,  
AIKIN,  
LANNING,  
METCALFE,  
SULAK,  
VAN ZANDT,  
HILL,  
MARTIN,  
HAZLEWOOD,  
GRAVES.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

## House Bill 1020 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1020 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1020, A bill to be entitled "An Act creating a Firemen's Relief and Retirement Fund in cities having a population of 280,000 or more, according to the preceding or any future Federal Census; creating a board to administer such fund; providing that the mayor and city treasurer or city secretary together with three (3) members of the fire department to be selected by a vote of the members of such department, shall compose the board; providing the mayor shall be the chairman of said board and enacting other provisions with reference to the organization and duties of said Board; providing for the segregation of a proportionate part of accumulated funds now in a general pension fund to the firemen's relief and retirement fund; etc.; fixing the effective date of the Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1020 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1020 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

**House Bill 963 on Second Reading**

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 963 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 963, A bill to be entitled "An Act appropriating out of the

State General Revenue Fund the sum of One Thousand (\$1,000.00) Dollars to the Eddins Common School District, No. 62, Shelby County, Texas, to be used by said school district in rebuilding a public school house within the district."

The bill was read second time.

Senator Hill offered the following amendments to the bill:

(1)

Amend H. B. No. 963 by adding a new Section after Section 1 to be known as Section 2 and renumbering the subsequent sections accordingly, said Section 2 to read as follows: "Sec. 2. That there is hereby appropriated out of the State General Revenue Fund, the sum of Five Hundred (\$500.00) Dollars to the Ballard Common School District No. 28, Shelby County, Texas, to be used by said School District for the purpose of rebuilding a public school building within said School District."

(2)

Amend the caption of H. B. No. 963 by inserting between the words "Texas" and "to" the following:

"and Five Hundred (\$500.00) Dollars to the Ballard Common School District No. 28, Shelby County, Texas,"

The amendments were adopted severally.

The bill was passed to third reading.

**House Bill 963 on Third Reading**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 963 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt

Vick  
Weinert

Winfield  
York

Nays—1

Isbell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—2

Cotten

Isbell

#### House Bill 1074 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1074 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1074, A bill to be entitled "An Act to amend Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 9, Chapter 282, Acts of the Forty-second Legislature, Regular Session, prescribing the rate and speed of motor or other vehicles upon the public highways of Texas, and within the corporate limits of an incorporated city or town, and within any town or village not incorporated; prescribing the rate of speed for a commercial motor vehicle, truck-tractor, trailer, or semi-trailer; defining the terms 'daytime' and 'nighttime'; providing that no persons shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and making unlawful the act of driving so as to willfully obstruct traffic; authorizing the

State Highway Commission to fix the maximum, reasonable and prudent speed under described circumstances upon the basis of an engineering and traffic investigation and requiring the Commission to give notice thereof by the erection of appropriate signs; authorizing the governing bodies of incorporated cities and towns to fix the maximum speed within their jurisdiction under certain circumstances; requiring the charge of speed violations and the summons to specify the rate of speed at which the person charged was driving and the speed limit applicable thereto; providing that the provision of this Act shall not relieve the plaintiff in any civil action from the burden of proving negligence as the proximate cause of any accident; providing a savings clause, repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1074 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1074 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

#### Minority Report on Senate Bill 208

Senator Stone called for the consideration at this time of the motion to adopt the minority report on S. B. No. 208 in lieu of the majority report on the bill.

The motion prevailed by the following vote:

Yeas—18

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Martin
Fain	Metcalfe
Formby	Moffett
Graves	Stone
Hazlewood	Sulak
Hill	Vick

Nays—9

Cotten	Shivers
Isbell	Smith
Lovelady	Winfield
Mauritz	York
Moore	

Absent

Ramsey	Van Zandt
Spears	Weinert

#### House Bill 199 on Passage to Third Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 199 at this time.

The President laid before the Senate on its passage to third reading (the bill having been read second time on May 13, 1941):

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts of 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature

Regular Session, as amended by Section 1 of H. B. No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

Senator Moore offered the following amendment to the bill:

Amend H. B. 199 by striking out all below the enacting clause and inserting in lieu the following:

Section 1. Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and as amended by H. B. No. 851, Acts of the Regular Session of the Forty-sixth Legislature, is hereby amended so that same shall hereafter read as follows:

"Sec. 20. The provisions of this Act shall end and terminate September 1, 1943."

Sec. 2. All of the other Sections of said Chapter 76 shall remain and continue in full force and effect. No offense committed against, and no liability, penalty, or forfeiture, either civil or criminal, incurred on account of a violation heretofore of any or all of the provisions of said Chapter 76, and said amendments thereof, or any rules, regulations, or orders issued pursuant thereto, shall be discharged or affected by the amendment of Section 20 of said Act as so amended, but prosecutions and suits, and such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if said Section 20, and said amendments thereof, had read in its original enactment the same as provided for in this Act, and the procedure prescribed in said Chapter 76 or in any other applicable existing laws shall be followed in all prosecutions and suits, now pending or hereafter instituted on account of such offenses, liabilities, penalties, or forfeitures.

Sec. 3. The importance of renewing conservation laws of Texas creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect, and be in force from and after its passage, and it is so enacted.

MOORE,  
SHIVERS.

The amendment was adopted by the following vote:

Yeas—19

Aikin	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Mauritz
Formby	Moore
Graves	Shivers
Hazlewood	Stone
Hill	Sulak
Isbell	Vick
Kelley	

Nays—9

Beck	Smith
Fain	Van Zandt
Martin	Winfield
Metcalf	York
Moffett	

Absent

Ramsey	Weinert
Spears	

Senator Moore offered the following amendment to the bill:

Amend the caption to H. B. No. 199 so that it will read as follows:

A bill to be entitled

"An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and as amended by H. B. No. 851, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide for the termination of the Act on September 1, 1943; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties, or forfeitures, civil or criminal, incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

### House Bill 199 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 199 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Winfield
Lemens	York

Absent

Ramsey	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Winfield
Lemens	York

Nays—2

Hill	Sulak
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Absent

Ramsey	Weinert
Spears	

## Adjournment

Senator Cotten moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Senator Moffett moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Moffett, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—18

Chadick	Hazlewood
Fain	Hill
Formby	Kelley
Graves	Lemens

Lovelady  
Mauritz  
Metcalf  
Moffett  
Shivers

Smith  
Stone  
Vick  
Winfield  
York

Nays—9

Aikin  
Brownlee  
Cotten  
Isbell  
Lanning

Martin  
Moore  
Sulak  
Van Zandt

Absent

Beck  
Ramsey

Spears  
Weinert

Accordingly, the Senate, at 1:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## In Memory of Hon. John C. Box

Senator Ramsey offered the following resolution:

(Senate Resolution 155)

Whereas, An honorable and useful life came to a close in the death of Honorable John C. Box on the seventeenth day of May, 1941; and

Whereas, John C. Box rendered unselfish and distinguished service to the people of his County, District and State, as County Judge of Cherokee County, 1899-01; as Mayor of the City of Jacksonville, 1902-05; as member of Democratic Executive Committee, 1908-10; as member of Board of Trustees of Alexander Collegiate Institute (now Lon Morris College) for a number of years; as President of the Board of Trustees of the Jacksonville Public Schools for a long number of years; as member of the first Board of Trustees of Southern Methodist University, where he served for several years; as member of the Congress of the United States from the Second District of Texas, 1919 until the year 1931, when he retired to the private practice of law in Jacksonville, Texas, in which he was engaged until his death; and as a prominent and active member of the Methodist Church from early childhood until his death; and

Whereas, In the passing of John C. Box, the legal profession has lost one of its most distinguished members, a man learned in the law, wise in counsel, eloquent in argument, ethical in his dealings, and uncompromising in the protection of the rights of his clients; and

Whereas, In his passing, the field of education has lost one of its most ardent subscribers, as he recognized and practiced, in the words of another, "Education is the only dictator that free men acknowledge, and the only security that free men desire;" and

Whereas, In his passing, the Church lost one of its most loyal members; he was learned in the Holy Scriptures, and he applied its teachings by precept and example every day of his life; and

Whereas, In his passing, the State and Nation have lost a great citizen; his wife a loving husband; his daughter and son a devoted father; and his friends a rugged and loyal friend; and

Whereas, We desire in a measure to perpetuate our love and esteem for John C. Box as a lawyer, an educator, a citizen and a Church man; now, therefore, be it

Resolved, That the members of the Senate of the Forty-seventh Legislature of the State of Texas, officially express their deep sorrow and bereavement upon the death of John C. Box, and extend to his family and to his many friends that measure of consolation of which humanity is capable, with the assurance to those who have sorrowed at his passing that his life and activities shall ever remain as his monument; and, be it further

Resolved, That a copy of this resolution be furnished the members of his family; and, be it further

Resolved, That when the Senate stands adjourned today, it do so in memory of John C. Box.

RAMSEY.

Signed—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York; Stevenson, Lt.-Gov.

The resolution was read.

On motion of Senator Cotten, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.